

**From:** NB  
**To:** Microsoft ATR  
**Date:** 1/24/02 3:07pm  
**Subject:** Microsoft Settlement - My take on this

To the Department of Justice:

I'm writing to comment upon the settlement of the Microsoft (MSFT) case and the latest development of AOL to sue MSFT.

I believe the rapidly changing nature in the computer industry has shown that there was and is a need to allow the marketplace determine the winners and losers in this industry. The DOJ and the various State's AG's suit against MSFT was ill-advised. Events have proved the point that the computer industry changes so rapidly that innovation in its marketplace may lead a vast majority of consumers to gravitate to a particular operating system or platform based upon marketing, but not solely upon the marketing. Whether that platform is competitive comes down to its flexibility, its utility and its pricing.

Do any of you remember what it was like prior to MSFT's Windows 3.0 and 3.1? The various operating systems and the "barely adequate" programs that were designed for them led to a fragmented marketplace and a relatively low utilization of the desktop computer. The subsequent adoption of the PC by a vast assortment of people worldwide was a direct result of MSFT's operating system that proved to be the standard because it allowed manufacturers to predictably make peripherals and applications that worked on a machine. This predictability allowed mass production and distribution so that, for example, the 40 Gigabyte hard drive can now be purchased (let alone be produced in the first place) for 100 USD.

The great productivity in the US economy, particularly its service orientation, has been a direct result of the proliferation of the desktop PC. Because of MSFT's adopted defacto standard operating system and its program applications, the PC has become a standard tool in business. No one ordered American business and consumers to make the PC with the Windows operating system the dominant force in PC desktops; they're there because they work and they allow PC communication to occur. For crying out loud, do you think the vaunted Chinese black market would be producing pirated software of anything other than a Windows-based operating system if it didn't work?

Fragmenting this success story by breaking up MSFT and destroying such a success is only to destroy the productivity base that has led the USA to a global leadership position. Of course, this success does have its downsides, too: my bet is that the Al-Queda and Taliban's computers were all Windows based systems and the encoding that has been talked about in the press were all systems that were introduced to the world because they worked so well on the desktop PC...

Finally, having used browsers from their inception tells me once again that DOJ and the other whiners like Netscape and the states' AGs have a very short memory. Their browser's 1.0 and subsequent generations just plain got better as the revision numbers continued and we who used them migrated to platforms that worked better. What good is it to use something that decreases productivity and takes hours to get to do something that can be done in a few seconds. Netscape lost in the marketplace of ideas and execution because it wasn't a great product and didn't become a great product. Netscape would have you believe that since they had the dominant browser at onetime, that the legal system should have frozen everything in time so that you and I would be forced to buy Netscape's product then, even though it proved, in time, to be such an inferior product. Has anyone tried to download and install Netscape 4.8 +? It doesn't install correctly even when you follow all their installation suggestions. Has anyone tried using

Netscape's vaunted 6.0+...it doesn't live up to their own hype!

Don't take us back to days when we had to use white out and re-type something to merely change a misspelling or change a format. In fact, do any of you remember when the PC wasn't used? Like automatic margin resetting and left justification was the rage BEFORE the desktop PC became a standard. The success of the PC and MSFT's innovation has made such archane discussions of "typing" a thing of the past, thank God, so no one dwells on paper format changes in business with the EXCEPTION of courts of law: they write books about such in that profession and number their lines while the rest of the world moves on to innovation.

I encourage you to settle this suit against MSFT and allow the marketplace and innovation to move on.

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